

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LINETTE TORRES and
RYAN ERIC FLETCHER,

Defendants.

NO. CR19-227-RSL

**PRELIMINARY
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, the interests of Defendants Linnette Torres and Ryan Eric Fletcher in the following property:

1. A Glock 43 pistol, serial no. BDPV845, and any associated ammunition;
2. A Savage 308 hunting rifle, serial no. H976478, and any associated ammunition;
3. A Palmetto State Armory AR-15 style rifle, serial no. SCD011059, and any associated ammunition; and,
4. A Glock 19 pistol, serial no. ZRC587 and any associated ammunition.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of Forfeiture is appropriate because:

- The above-identified firearms are forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. §§ 924(d)(1) & (3), as they are traceable to proceeds of the Defendants' commission of Conspiracy to Distribute Heroin, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846, and/or facilitated or were involved in that offense; and,
- Pursuant to the plea agreements they entered on February 27, 2020 and February 28, 2020, the Defendants agreed to forfeit their interest in these firearms pursuant to 21 U.S.C. § 853 and 18 U.S.C. §§ 924(d)(1) & (3) (Dkt. No. 47, ¶ 13; Dkt. No. 51, ¶ 13).

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to 21 U.S.C. § 853, 18 U.S.C. §§ 924(d)(1) & (3), and their plea agreements, the Defendants' interests in the above-identified firearms are fully and finally forfeited, in their entirety, to the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to the Defendants at the time they are sentenced, it will be made part of the sentences, and it will be included in their judgments;

3) The Department of Justice, and/or its authorized agents or representatives, shall maintain the above-identified firearms in its custody and control until further order of this Court;

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of these firearms as permitted by governing law. The notice shall be posted on an official government website – currently www.forfeiture.gov – for at least thirty (30) days. For any person known to have alleged an interest in the firearms, the United States shall, to

1 the extent possible, provide direct written notice to that person. The notice shall state that
2 any person, other than the Defendants, who has or claims a legal interest in the firearms
3 must file a petition with the Court within sixty (60) days of the first day of publication of
4 the notice (which is thirty (30) days from the last day of publication), or within thirty (30)
5 days of receipt of direct written notice, whichever is earlier. The notice shall advise all
6 interested persons that the petition:

- 7 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged
8 interest in the firearms;
- 9 b. shall be signed by the petitioner under penalty of perjury; and,
- 10 c. shall set forth the nature and extent of the petitioner's right, title, or interest
11 in the firearms, as well as any facts supporting the petitioner's claim and
12 the specific relief sought.

13 5) If no third-party petition is filed within the allowable time period, the
14 United States shall have clear title to the firearms, and this Preliminary Order shall
15 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

16 6) If a third-party petition is filed, upon a showing that discovery is necessary
17 to resolve factual issues it presents, discovery may be conducted in accord with the
18 Federal Rules of Civil Procedure before any hearing on the petition is held. Following
19 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,
20 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
21 adjudication; and,

22
23
24 ///

25
26
27 ///

DATED this 13th day of April 2020.

THE HON. ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Michelle.Jensen@usdoj.gov